

David P. Schafer (TX SBN/ 00797865)
Brian J. Trenz (TX SBN/24067911)
Law Offices of David P. Schafer
2139 N.W. Military Hwy., Suite 200
San Antonio, TX 78213
(210) 348-0500 phone
(210) 348-0520 fax

Attorneys for Plaintiff, Robert Hossfeld

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

| | | |
|---|---|--------------------------------------|
| ROBERT HOSSFELD, individually, |) | |
| and on behalf of others similarly situated, |) | |
| |) | |
| Plaintiff, |) | Case No: 6:16-cv-00130-RP-JCM |
| |) | |
| v. |) | <u>CLASS ACTION</u> |
| |) | |
| ELEPHANT INSURANCE COMPANY, a |) | PLAINTIFF'S NOTICE OF |
| Delaware corporation, ELEPHANT |) | VOLUNTARY DISMISSAL |
| INSURANCE SERVICES, LLC, a |) | WITHOUT PREJUDICE |
| Delaware limited liability company, and |) | |
| ADMIRAL GROUP, PLC, a foreign |) | |
| corporation, |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL OF COMPLAINT
WITHOUT PREJUDICE**

TO THE HONORABLE JUDGE OF SAID COURT:

The Plaintiff, ROBERT HOSSFELD, herein files its Notice of Voluntary Dismissal without Prejudice:

MATERIAL FACTS

1. The Plaintiff filed suit against the Defendants, ELEPHANT INSURANCE COMPANY, , ELEPHANT INSURANCE SERVICES, LLC, and ADMIRAL GROUP, PLC, seeking to represent a putative class. Plaintiff respectfully asks this court to Voluntarily Dismiss this case without prejudice pursuant to F.R.C.P. 41 et seq.

NOTICE OF VOLUNTARY DISMISSAL

2. Plaintiff filed its complaint May 13, 2016. As of this date, no answer has been filed by the Defendants and no Motion for Summary Judgment is on file. Moreover, no Motion to Dismiss has been filed and the Defendants have not made an appearance in this case. Therefore, the Plaintiff has an unequivocal right to Voluntarily Dismiss this Case without prejudice to refiling of the same.
3. Pursuant to FRCP 41(a)(1)(A)(i), the Plaintiff need only file this notice; no other action is required and approval of this court or opposing counsel is not necessary for this case to be dismissed without prejudice. See also, *Williams v. Clarke*, 82 F.3d 270, 272 (8th Cir.1996). Therefore, Plaintiffs avers that this court must dismiss this case without prejudice to refilling of the same.

PRAAYER

WHEREFORE, Plaintiff prays the Court to accept the notice of voluntary dismissal and dismiss this case without prejudice to refilling of the same.

Respectfully submitted,

Law Offices of David Schafer, PLLC
2139 NW Military Hwy., Suite 200
San Antonio, TX 78213
Tel. (210) 348-0500
Fax (210) 348-0520

By: /s/ Brian J. Trenz

Brian J. Trenz

Texas Bar No. 24067911

Attorney for Plaintiff

STATEMENT REGARDING CERTIFICATE OF SERVICE

Defendants have not been served and have not filed an answer in this case.

/s/ Brian J. Trenz

Brian J. Trenz